IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1318 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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URVASHI CHETAN DOSHI

Versus

CHETAN SHANTILAL DOSHI

Appearance:

1. Misc.Civil Application No. 1318 of 2000

MR YS MANKAD for Petitioner No. 1

Mr.MB Gandhi for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 9th/05/2002

CAV JUDGEMENT

1. Rule. Mr.Gandhi waives service of rule on behalf of respondent.

2. Heard Mr. Mankad,learned advocate for the petitioner and Mr. Gandhi, learned advocate, who

appeared for the respondent. During hearing I was taken through the application supported with an affidavit of the petitioner dated 24.6.2000 alongwith the H.M.P.No.30/99 filed by the respondent husband against the petitioner in the court of the learned Civil Judge (SD), Gandhidham,wherein the respondent - husband has prayed for decree for divorce against the petitioner wife and for dissolution of marriage between the parties, which was solemnized on 29.5.92 under Section 13(1)(a) of the Hindu Marriage Act,which was filed on 4.10.99. In the present Application, the petitioner wife has prayed for transfer of the said H.M.P.No.30/99 filed by her husband against her pending before the learned trial Judge at Gandhidham to the court of the learned Civil Judge (SD), Bhuj wherein the petition being HMP No.41/99 filed by the petitioner is pending and prayed for stay of further proceedings of HMP No.30/99.

2. Without expressing anything on the contentions raised in the Application and the fact about the respective petitions filed by the respective parties before the concerned court, this court is only required to consider whether the prayer for transfer of the petition filed by the husband is required to be entertained or not. As found from the application, independent proceedings were initiated by respective parties, namely, husband and wife and a petition for divorce is filed by the husband against the wife, which is pending before the court of the learned Civil Judge (SD) at Gandhidham. It is the case of the petitioner that because of this cognate matter in two different courts, petitioner is suffering tremendous hardship and inconvenience as she has to travel to Gandhidham from Bhuj and she has to travel for about 56 Kms. Petitioner wife is residing at Bhuj and working as a teacher and she is required to go to Gandhidham and further the minor daughter is also with her and for attending the court at Gandhidham she has to suffer hardship and expenses as well as inconvenience. It is the case of the wife that her husband is working as a senior operator in IFFCO at present and he has handsome income and he can afford to come to attend the court at Bhuj.

3. Mr.Gandhi appearing for the respondent - husband has hardly to say in respect of the prayer made in this Application and considering the fact that a case is made out by the petitioner by showing the hardship to attend the court at Gandhidham and further it will be in the interest of justice that the proceedings filed by the respective parties are to be dealt with while deciding the same by one court and accordingly H.M.P.No.30/99

pending before the court of the learned Civil Judge (SD),Gandhidham, filed by the respondent husband, is ordered to be transferred to the court of the learned Civil Judge (SD) at Bhuj and the same be heard alongwith H.M.P.No.41/99 filed by the petitioner wife against the respondent. In view of the above, rule is made absolute accordingly. Office to issue writ forthwith.

(D.K.Trivedi,J)

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